

February 23, 2021

Via ECF

Honorable James J. Garrity, Jr.
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

RE: *In re Orly Genger*, Case No.: 19-13895-jlg

Dear Judge Garrity:

The undersigned are counsel for Sagi Genger and Deborah Piazza, as Chapter 7 Trustee. At the February 10, 2021 hearing in the above-referenced chapter 7 case, Your Honor requested that the parties consult concerning the scheduling of a hearing on the motions of (a) Sagi Genger to dismiss the case (Docket No. 239) (the “**Motion to Dismiss**”) and (b) the Trustee for approval of agreements with ADBG LLC. and Claims Pursuit, Inc. (Docket No. 248) (the “**Trustee’s Motion**” and, together, the “**Motions**”) and report back to the Court.

Between February 16 and 19, 2021, we exchanged emails (copying counsel to all other parties) regarding a proposed discovery, briefing and hearing schedule. On the morning of February 19, undersigned counsel agreed on the following schedule, subject to the Court resolving the pending common interest privilege disputes this week, and requested the remaining parties advise whether they also agreed to the schedule:

- **March 8 – Any additional productions (including Trustee’s production to Sagi) due;**
- **March 9-11 – At Court’s convenience, scheduling of a conference for any of these proposed dates to resolve any open discovery disputes;**
- **March 15-26 – Any additional depositions (including Trustee’s deposition);**
- **Week of April 12 – Objections due (14 days before hearing);**
- **Week of April 19 – Replies due (7 days before hearing); and**
- **Week of April 26 – Hearing on the Motions (based upon Court’s availability during that week)**

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In agreeing to this proposed schedule, the Trustee contemplates either an indication from counsel to Dalia Genger that she will voluntarily appear at a deposition in the March 15-26 deposition window or a determination from the Court well in advance of the March 15-26 deposition schedule as to whether Ms. Genger shall be compelled to appear at a deposition (Michael Bowen, formerly of Kasowitz and a nominal defendant in the adversary proceeding commenced by Dalia Genger, expressed a similar concern). If such determination cannot be made before March 15th, the Trustee reserves all rights to seek relief from the Court to adjust the proposed calendar accordingly. Sagi also welcomes a decision from the Court regarding whether Ms. Genger should be compelled to appear but does not believe a hearing regarding the Motions should be linked with Ms. Genger's deposition.

While the other parties are welcome to advise the Court of their thoughts on the proposed schedule, we would appreciate the Court's consideration of the proposed schedule as it is imperative that we move forward with the pending motions. We believe this proposed schedule is a workable framework and look forward to the upcoming conference on February 24, 2021 at 5:00 p.m. to discuss this further with the Court and other interested parties.

Respectfully submitted,

/s/ Thomas A. Pitta

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cc: All Counsel of Record (via ECF)